

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

RD 12/11/19  
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★ DEC 11 2019 ★

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ZHENKAI SUN, WEI GAO, YANGYANG GAO, and  
CHARLES CHIPENGULE, *on behalf of themselves*  
*and others similarly situated,*

Plaintiffs,

v.

SUSHI FUSSION EXPRESS, INC., *d/b/a Sushi Fussion*,  
MICHAEL YAGUDAEV, SUSHI FUSSION LLC, *d/b/a*  
*Sushi Fussion*, SUSHI FUSSION OF KINGS HWY, INC.,  
*d/b/a Sushi Fussion*, LEVA KATANOV, LEVI  
KATANOV, LEO KATANOV, SUSHI FUSSION  
FIVETOWN INC., *d/b/a Sushi Fussion*,  
SUSHI FUSSION OF 47<sup>TH</sup> STREET INC., *d/b/a Sushi*  
*Fussion*, SUSHI FUSSION OF FOREST  
HILLS INC., *d/b/a Sushi Fussion*, SUSHI FUSSION OF  
NYC INC., *d/b/a Sushi Fussion*, and HIBACHI EXPRESS  
MAIN ST. INC., *d/b/a Hibachi Express*,

Defendants.  
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BROOKLYN OFFICE

**ORDER**

16-CV-4840 (WFK) (LB)

**WILLAM F. KUNTZ, II, United States District Judge:**

Before this Court are Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint, ECF No. 71, and Defendants' Motions for Summary Judgment, ECF Nos. 121-22, 124. As an initial matter, the Court finds, after careful review of the motion papers and construing the facts in the light most favorable to Plaintiffs, Plaintiff has plead sufficient facts to withstand dismissal. The Court further finds there are genuine issues of material fact precluding summary judgment.

Accordingly, the Court hereby DENIES Defendants' Motion to Dismiss, ECF No. 71, and Defendants' Motions for Summary Judgment, ECF Nos. 121-22, 124, in their entirety.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF Nos.  
71, 121, 122, and 124.

**SO ORDERED.**

s/WFK

~~HON. WILLIAM F. KUNTZ, II~~  
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2019  
Brooklyn, New York